

E-FILED on 5/24/12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TRACEY THOMPSON,

Plaintiff,

v.

MANAGER OF LIVE 105.3 RADIO,

Defendant.

No. 11-5254 RMW

ORDER DISMISSING CASE WITHOUT
PREJUDICE

On April 20, 2012, the court dismissed plaintiff's complaint with leave to amend and deferred a decision on the pending application for leave to file *in forma pauperis* pursuant to 28 U.S.C. § 1915(e)(2)(B). *See* Dkt. No. 15. The court instructed plaintiff that any amended complaint must include specific facts identifying defendant's alleged misconduct and must be filed within thirty days of the date of that order. *See id.*

On April 26, 2012, plaintiff mailed a hand-written letter to the court indicating she was "severely disabled" and needed "a computer set up in my apartment ... with camera so we can handle and open this case together." Dkt. No. 16. While the court is sympathetic to plaintiff's condition, it cannot construe her letter as a request for an extension of time or an amended complaint. *See* Local Rule 6-3 (motion to extend time must be accompanied by a declaration setting forth with

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1 particularity the reasons for the requested extension and identifying the substantial prejudice that
2 would occur if the court did not extend time). Accordingly, the court dismisses the instant action
3 without prejudice to plaintiff's filing of an amended complaint at some later date. The case
4 management conference scheduled for May 25, 2012 is therefore vacated. The clerk shall close the
5 file.

6
7 DATED: May 24, 2012


RONALD M. WHYTE
United States District Judge